

Entered - 04-19-99 - sb
CL 99L0568 - GWENDOLYN BURNS

CLAIM OF: **ARTHUR L. DAVIS**
d/b/a **R. D. R. TRUCKING, INC.**
621 Tahoe Circle
Stone Mountain, Georgia 30083

01- *R* -1632

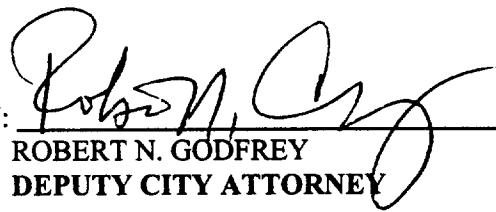
For vehicular damages alleged to have been sustained as a result of an automobile accident on July 12, 1999 at 1189 Henrico Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ARTHUR L. DAVIS d/b/a R. D. R. TRUCKING, INC.** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an automobile accident on July 12, 1999 at 1189 Henrico Road as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: **SUSAN PEASE LANGFORD**
CITY ATTORNEY

BY:



ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0568

Date: September 24, 2001

Claimant /Victim ARTHUR L. DAVIS d/b/a R. D. R. TRUCKING, INC.
BY: (Atty) (Ins. Co.) _____
Address: 621 Tahoe Circle, Stone Mountain, Georgia 30083-4449
Subrogation: Claim for Property damage \$ 13,990.36 Bodily Injury \$ 15,000.00
Date of Notice: 8/17/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/12/99 Place: 1189 Henrico Road, (Live Oak Landfill)
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Raytrone A. Mitchell Disciplinary Action: 10 day suspension

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was side-swiped by a sanitation vehicle that was attempting to pass it.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager: [Signature] Concur/date 09-26-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \$13,990.36 property and/or \$ NONE bodily injury for which I contend the City is liable.

RE: CLAIM FOR DAMAGES

Today's Date: 8/13/99

ENTERED - 9-14-99 - SB
99L0568 - GWEN BURNS

03-17-99P00134 R07D

1. Date of incident: 7 12 99
(month/day/year)
2. Police called: X
Yes No
3. Location of incident: 1189 HENRICO RD. (Live Oak Landfill) Conley, GA.
4. Name of your insurance company: Empire Fire & Marine Ins. Policy No. CL 759579
5. State what and how incident occurred: See attached Police report.
* Repair cost: \$3,262.36; Down Time: 24 days @ 6 Loads Per day = 144 X \$72.00 per Load = \$10,368.00; Plus Tow & Storage \$360.00 as of 8/13/99
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: Volvo Tractor 86 1579 HK Arthur L. Davis
(make) (year) (tag number) (driver's name)
- City vehicle: Garbage Truck
CCC Rear loader Raytrone A. Mitchell Sanitation
(make) (City driver's name) (department/bureau)
8. Witness: Numerous operators on site at time of accident. NONE interviewed.
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

Arthur L. Davis
(claimant's name)

621 Takoe Cir
(address)

Stone Mountain, Ga. 30083-4449
(city and state)

404 294-0044 404-294-0044
(work number) (home number)

Encl.
Police report
Repair est. 2 ea
Tow & storage notice
Vehicle registration
INS. ID Card

01-2-1632